
By: **Delegates Leopold, Frush, Boschert, McMillan, Cadden, V. Clagett,
Costa, Dwyer, Gilleland, Love, McConkey, Menes, Moe, and Sophocleus**
Introduced and read first time: January 21, 2004
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County - Highways - Solicitation of Money or Donations from**
3 **Occupants of Vehicles - County Licensing Program Authorized**

4 FOR the purpose of authorizing the Anne Arundel County Council to enact, by
5 ordinance, a certain licensing program for individuals who are of a certain age or
6 older and certain organizations that wish to solicit money or donations from the
7 occupants of vehicles by standing in a roadway, median divider, or intersection
8 in Anne Arundel County; providing that the licensing program, if enacted, may
9 impose a fee for the license in an amount not to exceed the county's cost to
10 administer the licensing program and may provide for an exemption for an
11 individual who is unable to pay the fee and any other exemption from the fee
12 that the county council considers appropriate or necessary; providing that if the
13 county council enacts a licensing program authorized by this Act, an individual
14 or organization that decides not to seek to become licensed under the program or
15 that is denied a license under the program is prohibited from standing in a
16 roadway, median divider, or intersection in Anne Arundel County to solicit
17 money or donations of any kind from the occupants of vehicles; requiring, if the
18 county council enacts a licensing program authorized by this Act, the Anne
19 Arundel County Police Department, on or before a certain date after a certain
20 occurrence, to report to the Anne Arundel County Delegation to the General
21 Assembly on certain matters; and generally relating to the solicitation of money
22 or donations from occupants of vehicles by certain individuals and organizations
23 in roadways in Anne Arundel County.

24 BY repealing and reenacting, with amendments,
25 Article - Transportation
26 Section 21-507
27 Annotated Code of Maryland
28 (2002 Replacement Volume and 2003 Supplement)

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
30 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Transportation**

2 21-507.

3 (a) Except for the occupant of a disabled vehicle who seeks the aid of another
4 vehicle, a person may not stand in a roadway to solicit a ride, employment, or
5 business from the occupant of any vehicle.

6 (b) A person may not stand on or near a highway to solicit any other person to
7 watch or guard any vehicle while it is parked or about to be parked on a highway.

8 (c) In Charles County, Harford County, and Washington County, a person may
9 not stand in a roadway, median divider, or intersection to solicit money or donations of
10 any kind from the occupant of a vehicle.

11 (d) (1) In Prince George's County:

12 (i) A child under the age of 15 years may not stand in a roadway,
13 median divider, or intersection to solicit money or donations of any kind from the
14 occupant of a vehicle; and

15 (ii) An adult may not cause, encourage, allow, or petition a child
16 under the age of 15 years to stand in a roadway, median divider, or intersection to
17 solicit money or donations of any kind from the occupant of a vehicle.

18 (2) A child under the age of 15 years may not be found guilty or
19 adjudicated delinquent for a violation of paragraph (1)(i) of this subsection if an adult
20 caused, encouraged, allowed, or petitioned the child in violation of paragraph (1)(ii) of
21 this subsection.

22 (E) (1) THIS SUBSECTION APPLIES TO ANNE ARUNDEL COUNTY.

23 (2) IN THIS SUBSECTION, "QUALIFIED ORGANIZATION" MEANS A FIRE
24 COMPANY OR A BONA FIDE RELIGIOUS, FRATERNAL, CIVIC, WAR VETERANS', OR
25 CHARITABLE ORGANIZATION.

26 (3) THE ANNE ARUNDEL COUNTY COUNCIL MAY, BY ORDINANCE, ENACT
27 A LICENSING PROGRAM FOR INDIVIDUALS WHO ARE 18 YEARS OLD OR OLDER AND
28 QUALIFIED ORGANIZATIONS THAT WISH TO SOLICIT MONEY OR DONATIONS FROM
29 THE OCCUPANT OF A VEHICLE BY STANDING IN A ROADWAY, MEDIAN DIVIDER, OR
30 INTERSECTION.

31 (4) THE RESTRICTION ON THE AGE OF INDIVIDUALS WHO MAY BE
32 LICENSED UNDER THE AUTHORITY GRANTED TO THE ANNE ARUNDEL COUNTY
33 COUNCIL UNDER PARAGRAPH (3) OF THIS SUBSECTION APPLIES TO INDIVIDUALS
34 WHO PARTICIPATE IN THE SOLICITATION OF DONATIONS AS MEMBERS OR ON
35 BEHALF OF THE QUALIFIED ORGANIZATION.

1 (5) IF THE COUNTY COUNCIL ENACTS AN ORDINANCE ESTABLISHING A
2 LICENSING PROGRAM AUTHORIZED BY PARAGRAPH (3) OF THIS SUBSECTION, THE
3 ORDINANCE:

4 (I) MAY IMPOSE AGAINST AN APPLICANT THAT IS AN INDIVIDUAL
5 OR A QUALIFIED ORGANIZATION A FEE FOR THE LICENSE:

6 1. SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN
7 AN AMOUNT NOT TO EXCEED THE COUNTY'S COST TO ADMINISTER THE PROGRAM;
8 AND

9 2. WITH RESPECT TO A QUALIFIED ORGANIZATION THAT IS
10 ORGANIZED ON A NATIONAL OR STATEWIDE BASIS AND THAT MAY HAVE COUNTY OR
11 LOCAL CHAPTERS OR UNITS IN THIS STATE, ONLY AGAINST THE NATIONAL OR
12 STATEWIDE ORGANIZATION;

13 (II) MAY NOT IMPOSE A FEE EXCEEDING \$100 PER YEAR FOR EACH
14 APPLICANT FOR A LICENSE OR A RENEWAL OF A LICENSE;

15 (III) SHALL INCLUDE PROVISIONS FOR THE DURATION AND
16 RENEWAL OF THE LICENSE;

17 (IV) MAY REQUIRE THAT AN APPLICANT OR LICENSEE PROVIDE
18 NOTICE TO THE COUNTY AS TO THE DATES ON WHICH THE SOLICITATION WILL
19 OCCUR; AND

20 (V) MAY PROVIDE FOR:

21 1. AN EXEMPTION FROM THE FEE FOR AN INDIVIDUAL WHO
22 IS UNABLE TO PAY THE FEE;

23 2. PROCEDURES FOR AN INDIVIDUAL TO COMPLY WITH IN
24 ORDER TO DEMONSTRATE THE INDIVIDUAL'S INABILITY TO PAY THE FEE; AND

25 3. ANY OTHER EXEMPTION FROM THE FEE THAT THE
26 COUNTY COUNCIL CONSIDERS APPROPRIATE OR NECESSARY.

27 (6) (I) IF THE COUNTY COUNCIL ENACTS AN ORDINANCE
28 ESTABLISHING A LICENSING PROGRAM AUTHORIZED BY PARAGRAPH (3) OF THIS
29 SUBSECTION, AN INDIVIDUAL OR ORGANIZATION THAT DECIDES NOT TO SEEK TO
30 BECOME LICENSED UNDER THE PROGRAM OR THAT IS DENIED A LICENSE UNDER
31 THE PROGRAM MAY NOT STAND IN A ROADWAY, MEDIAN DIVIDER, OR INTERSECTION
32 IN ANNE ARUNDEL COUNTY TO SOLICIT MONEY OR DONATIONS OF ANY KIND FROM
33 THE OCCUPANT OF A VEHICLE.

34 (II) IF THE COUNTY COUNCIL DOES NOT CHOOSE TO ENACT AN
35 ORDINANCE TO ESTABLISH A LICENSING PROGRAM AS AUTHORIZED BY PARAGRAPH
36 (3) OF THIS SUBSECTION, THE PROVISIONS OF THIS SUBSECTION MAY NOT BE
37 CONSTRUED TO PROHIBIT AN INDIVIDUAL OR QUALIFIED ORGANIZATION FROM

1 STANDING IN A ROADWAY, MEDIAN DIVIDER, OR INTERSECTION IN THE COUNTY TO
2 SOLICIT MONEY OR DONATIONS FROM THE OCCUPANT OF A VEHICLE.

3 (7) IF THE COUNTY COUNCIL ENACTS AN ORDINANCE ESTABLISHING A
4 LICENSING PROGRAM AUTHORIZED BY PARAGRAPH (3) OF THIS SUBSECTION, THEN
5 ON OR BEFORE DECEMBER 1 OF THE CALENDAR YEAR THAT OCCURS AFTER THE
6 ANNIVERSARY OF THE FIRST 12 MONTHS OF THE IMPLEMENTATION OF THE
7 LICENSING PROGRAM, THE ANNE ARUNDEL COUNTY POLICE DEPARTMENT SHALL
8 REPORT IN WRITING TO THE ANNE ARUNDEL COUNTY DELEGATION TO THE
9 GENERAL ASSEMBLY ON THE EFFECTIVENESS OF THE COUNTY POLICE
10 DEPARTMENT'S ENFORCEMENT OF THE PROVISIONS OF THIS SUBSECTION WITH
11 RESPECT TO INDIVIDUALS AND ORGANIZATIONS TO SOLICIT MONEY OR DONATIONS
12 ON ROADWAYS, MEDIAN DIVIDERS, OR INTERSECTIONS IN THE COUNTY FROM THE
13 OCCUPANTS OF VEHICLES.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
15 effect July 1, 2004.